

WATER COUNCIL MEETING

Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

October 11, 2006
9:00 a.m.

Members present: Councilors Bridges, Bradley, Butler, Cowan, Czyzer, Densberger, DiMarzio, Dupee, Lussier, Lynch, Lyons, Rastaulis, Patenaude, and Varotsis

Members absent: Councilors Barrett, Phillips

John Bridges, Chairman, called the meeting to order at 9:00 a.m.

1. Approval of Minutes of July 12, 2006 and August 9, 2006 Meetings

A motion was made by Councilor Bradley to accept the minutes of the July 12, 2006 meeting with a correction to include Councilor Lynch as present at the meeting and not in the absent list and to accept the minutes of August 9, 2006 as presented. The motion was seconded by Councilor Lussier. The Council unanimously voted to approve the minutes.

2. Approval of State Aid Grants and Amendment

State Aid Grants

Steve Snell of the Wastewater Engineering Bureau requested approval of ten new state aid grants as set forth in a memo from Bureau Administrator John R. Bush, P.E. to Harry T. Stewart, P.E., Director, Water Division dated September 28, 2006.

Councilor Varotsis moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Butler seconded the motion and it was unanimously voted.

WHEREAS, The following municipalities have applied to the Department of Environmental Services, under the provisions of RSA 486, for grants in the amounts listed, with the condition that adjustments will be made after work is completed and final eligible costs are established, to aid in the defraying of the costs resulting from the construction of sewage disposal facilities, as defined in said Chapter:

<u>MUNICIPALITY</u>	<u>PROJ. NO.</u>	<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>
Rollinsford	C-726	Wastewater treatment Facility Upgrade	\$1,088,268
Exeter	C-727	High Street Sewer Improvements	69,859
Exeter	C-728	Belmont and Front Street Pumping Station Improvements	84,864
Greenfield	C-729	Community Wastewater System	327,585
Newport	C-730	Parkview Sewer Reconstruction	74,296
Swanzey	C-731	North Swanzey Wastewater Improvements	1,375,279
Boscawen	C-732	Penacook WWTP Upgrade (City of Concord)	756,637
Boscawen	C-733	Gage Street Area Wastewater Improvements	666,378
Manchester	C-734	West Side Pump Station Improvements	156,541

Derry	C-735	South Ridge School Interceptor	156,892
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WHEREAS, The Department of Environmental Services has examined said applications as to the eligibility of the construction costs for State contributions; and

WHEREAS, The Water Council finds that said projects are intended to control or reduce pollution in the surface waters of the State as defined in RSA 485-A;

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486 have been met by said applicants and respectfully recommends that the Governor and Executive Council approve said grants and authorize payment thereof through the Department of Environmental Services as provided for in said Chapter.

3. **Status of Appeals**

Michael Sclafani distributed an Appeals Status Report and reviewed pending appeals with the council.

- **Docket No. 03-14 WC - Gerald A. Bell – Water Division Denial of Application for Waiver of Septage Rules**

Trial on Petition for Declaratory Judgment in Merrimack Superior Court has been rescheduled for mid-late Oct. 2006

Stay remains in effect pending the resolution of the declaratory judgment action and no action is required by the Council.

- **Docket No. 04-05 WC - Appeal of Freudenberg-NOK General Partnership**

Trial on Petition for Declaratory Judgment in Grafton Superior Court has been continued and it appears that the order will be rendered moot and the appeal withdrawn by the end of the year.

- **Docket Nos. 04-18 WC and 04-19 WC – Appeal of Thaddeus Dymon and Town of Newport**

A stay remains in effect pending the resolution of a boundary line dispute in Sullivan County Superior Court. Word has been received that the town prevailed so now awaiting the written decision.

- **Docket No. 05-21 WC - Appeal of Save Our Groundwater**

On its own initiative, the Council voted 10-0 at a previous meeting to table this appeal pending advice from legal counsel re: Jurisdiction & Standing. Councilor Varotsis to set up meeting along with Councilors Butler, Densberger, and Bridges to meet with Attorney Blenkinsop. Council needs to decide status of this case (i.e., continue to table it, accept the appeal, dismiss the appeal, decline to accept the appeal, etc.).

- **Docket No. 05-22 WC - Appeal of Town of Nottingham**

On its own initiative, the Council previously voted 10-0 to table this appeal pending advice from legal counsel regarding Jurisdiction & Standing. Council needs to decide the status of this case (i.e., continue to table it, accept the appeal, dismiss the appeal, decline to accept the appeal, etc.)

Councilor Bradley made a motion to table both of the appeals: Docket No. 05-21 WC and 05-22 WC. Councilor Lussier seconded the motion. The Council voted unanimously to table both of these appeals.

- **Docket No. 06-04 WC - Appeal of Andrews and Carpenter**

On August 9, 2006 the Appeal hearing re-convened with Council deliberating following the hearing.

Written Decision and Order has not yet been issued.

- **Docket No. 06-08 WC – Conservation Law Foundation**

On September 18, 2006 a Pre-Hearing Conference was held and a Pre-Hearing Order subsequently issued. Appeal Hearing will take place on January 10, 2007 at 10 a.m.

- **Docket No. 06-13 WC – Administrative Order – Shane Forest**

On September 14, 2006 a Notice of Appeal was filed and on September 29, 2006 a Receipt of Appeal letter distributed.

Councilor Cowan made a motion to accept the Notice of Appeal. Councilor Densberger seconded the motion. The Council unanimously voted in favor of this motion.

Councilor Cowan made a motion to Stay the Appeal. Councilor Patenaude seconded the motion. The Council unanimously voted in favor of this motion.

4. **Rules: Env-Wq 402 (currently Env-Ws 1500) Groundwater Discharge Permits and Registration Rules**

Steven Roy came before the Council to discuss the proposed rules. The Council's input of clarification of several sections was noted.

Councilor Densberger made a motion to approve the rules and to authorize the Water Supply Engineering Bureau to proceed with the rulemaking process to readopt with amendments Env-Ws 402. Councilor Bradley seconded the motion. The Council unanimously voted in favor of this motion.

5. **On going Water Division Water Quality Studies**

Paul Currier gave a presentation on the Upper Merrimack River Quality Study (study need and proposed work scope).

Greg Comstock gave a presentation on the Upper Contoocook River (Jaffrey) Total Maximum Daily Load (TMDL) Study that was recently completed.

8. **Next Meeting**

The next meeting is scheduled for November 8, 2006.

9. **Adjournment**

A motion was made by Councilor Varotsis to adjourn. The motion was seconded by Councilor Lussier and unanimously voted.

The meeting adjourned at approximately 10:30 a.m.
